

UNITED STATES DISTRICT COURT

WESTERNDISTRICT OF NEW YORK

FILED
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER
2007 AUG 24 PM 11:46

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

-against- :

PITTSFORD CAPITAL INCOME PARTNERS, L.L.C. :

PITTSFORD INCOME PARTNERS II, L.L.C. :

PITTSFORD INCOME PARTNERS III, L.L.C. :

PITTSFORD INCOME PARTNERS IV, L.L.C. :

PITTSFORD INCOME PARTNERS V, L.L.C. :

JEFFERSON INCOME PARTNERS, L.L.C. :

PITTSFORD CAPITAL, L.L.C., PITTSFORD

CAPITAL MORTGAGE PARTNERS, L.L.C. :

PITTSFORD CAPITAL GROUP, INC. :

MARK PALAZZO, and EDWARD TACKABERRY, :

Defendants, :

and

COMMUNICATE WIRELESS, L.L.C. :

MONROE WIRELESS, L.L.C., and

MICHAEL LATINI, :

Relief Defendants. :

DECISION AND ORDER

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to hearing before the Court. The issues have been tried and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Plaintiff SEC's motion for summary judgment is granted. Defendants Palazzo and Tackaberry are permanently enjoined from future violations of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5. Palazzo and Tackaberry are jointly and severally directed to disgorge \$11,725,294.82 to the SEC, and to pay prejudgment interest beginning June 17, 1996. Defendants are each directed to pay to the SEC a civil penalty of \$75,000.

August 24, 2007
Date

RODNEY C. EARLY
Clerk

s/Tricia M. O'Fray
(BY) TRICIA M. O' FRAY
Deputy Clerk